

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TOU XIONG,

Plaintiff,

v.

Case No. 21-C-0093

ANDREW SAUL, Commissioner of Social Security,

Defendant.

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**ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS**

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Plaintiff Tou Xiong has filed a complaint seeking review of the decision of the Commissioner of Social Security and has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915. An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting an inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff filed the required affidavit of indigence.

Upon review of that affidavit, it appears that Plaintiff collects \$807.00 in Food Share and notes monthly spousal income of \$2,774.78, a checking account of \$1,200, and a savings account of \$24.00. No notation regarding retirement or other accounts were made. The motion lists monthly expenses in the amount of \$1,926.40. This leaves in excess of \$1,650.00 in monthly disposable income, yet Plaintiff notes that they are unable to keep current on their bills. Based on the information provided to the Court, Plaintiff does not appear to be indigent. Consequently,

without further information, the Court must DENY Plaintiff's motion for leave to proceed without prepayment of the filing fee (Dkt. No. 3).

**THEREFORE, IT IS ORDERED** that Plaintiff's request to proceed *in forma pauperis* is denied without prejudice, and Plaintiff shall either file an amended motion, showing complete financial information, or pay the filing fee within 21 days of the date of this order. Plaintiff risks dismissal if no action is taken within 21 days. If Plaintiff submits a new motion with additional justification within that time period, the court will reconsider the request.

Dated at Green Bay, Wisconsin this 22nd day of January, 2021.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge